

51-9-401 Surcharge -- Application and exemptions.

- (1)
 - (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.
 - (b) The surcharge shall be:
 - (i) 90% upon conviction of a:
 - (A) felony;
 - (B) class A misdemeanor;
 - (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or
 - (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or
 - (ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.
 - (c) The Division of Finance shall allocate the collected 90% surcharge in Subsection (1)(b)(i) in the following order:
 - (i) the first \$30,000 to the General Fund;
 - (ii) the next 4.5% to the Law Enforcement Services Account established in Section 51-9-412; and
 - (iii) the remainder as prescribed in Sections 51-9-403 through 51-9-411.
- (2) The surcharge may not be imposed:
 - (a) upon nonmoving traffic violations;
 - (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and
 - (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78A-6-602.
- (3)
 - (a) The surcharge and the exceptions under Subsections (1) and (2) also apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.
 - (b) However, the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.
- (4) The surcharge under this section shall be imposed in addition to the fine charged for a civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.
- (5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this part rather than attached to particular offenses.

Amended by Chapter 402, 2010 General Session